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5 Attorney for Debtor

6 **UNITED STATES BANKRUPTCY COURT**

7 **DISTRICT OF NEVADA**

8 In Re: ) BK-S-19-14144-BTB  
 9 RICHARD ALAN PIERCE ) Chapter 11

10 )  
 11 Debtor. ) HEARING DATE: August 30, 2019  
 HEARING TIME: 10:00 a.m.  
 Location: Foley Courtroom #4

12 **OPPOSITION TO MOTION OF THE UNITED STATES TRUSTEE, PURSUANT TO**  
 13 **11U.S.C. §1112(b), AND FEDERAL RULES OF BANKRUPTCY PROCEDURE 1017(f)**  
 14 **AND 9014, TO DISMISS OR CONVERT CHAPTER 11 CASE AND RESERVATION OF**  
**RIGHTS**

15 COMES NOW, Debtor, RICHARD ALAN PIERCE ("Debtor"), by and through his  
 16 attorney, COREY B. BECK, ESQ., hereby opposes the Motion of the United States Trustee,  
 17 Pursuant to 11 U.S.C. §1112(b), and Federal Rules of Bankruptcy Procedure 1017(f) and 9014,  
 18 to Dismiss or Convert Chapter 11 Case and Reservation of Rights, filed by Attorneys for the  
 19 United States Trustee for Region 17 as follows:

20 Debtor through undersigned counsel asserts that there are unusual circumstances pursuant  
 21 to §1112(b), which provides "reasonable justification" for acts/omissions. Debtor acknowledges  
 22 the deficiencies regarding filing schedules, providing IDI documents and attending the IDI, as  
 23 well as attending the §341 Meeting of Creditors. Debtor has had medical issues which has  
 24 hampered his ability to get requirements fulfilled. *See Exhibit "1" - Declaration In Support of*  
 25 *Motion for Enlarging Time Regarding the July 23, 2019 Order Motion to Extend Stay.*

26 As the Court's aware, Debtor has been ordered to provide proof of medical  
 27 conditions/treatment prior to August 27, 2019 hearing. In addition, Debtor is required to file  
 28 schedules by August 27, 2019 hearing date. These actions will satisfy requirement of

1 §1112(b)(2)(B). In particular, Debtor by completing order(s) of the Court will substantiate  
2 "reasonable justification" and moreover Debtor will be on his way to curing deficiencies in  
3 reasonable time.

4 In addition, Debtor asserts that requirements of §1112(b)(2)(A) are also satisfied. In  
5 particular, Debtor submits "there is a reasonable likelihood that a plan will be confirmed within  
6 the timeframes established in sections §1121(e)." Debtor has sufficient income to fund a plan  
7 and goals are to reorganize arrearage on three investment properties. *See Exhibit "2" -*  
8 *Declaration of Richard Alan Pierce in Support of Motion for Continuation of Automatic Stay.*  
9 Therefore, Debtor has made showing that he has "reasonable likelihood that plan would be  
10 confirmed."

11 DATED this 19<sup>th</sup> day of August, 2019.

12 /s/ COREY B. BECK, ESQ.  
13 COREY B. BECK, ESQ.  
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RICHARD ALAN PIERCE ) Chapter 11

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**CERTIFICATE OF MAILING OF OPPOSITION TO MOTION OF THE UNITED STATES TRUSTEE, PURSUANT TO 11U.S.C. §1112(b), AND FEDERAL RULES OF BANKRUPTCY PROCEDURE 1017(f) AND 9014, TO DISMISS OR CONVERT CHAPTER 11 CASE AND RESERVATION OF RIGHTS**

I hereby certify that on the 19<sup>th</sup> day of August, 2019, I mailed a true and correct copy of the ***OPPOSITION TO MOTION OF THE UNITED STATES TRUSTEE, PURSUANT TO 11U.S.C. §1112(b), AND FEDERAL RULES OF BANKRUPTCY PROCEDURE 1017(f) AND 9014, TO DISMISS OR CONVERT CHAPTER 11 CASE AND RESERVATION OF RIGHTS***, first class mail, postage pre-paid, to the following parties of interest, at their last known addresses, as follows:

Edward M. McDonald Jr.  
Trial Attorney  
Office of the United States Trustee  
Region 17, Las Vegas Field  
300 Las Vegas Blvd., South  
Suite 4300  
Las Vegas, Nevada 89101  
Ph.: (702) 388-6600 Ext. 224  
Fax: (702) 388-6258  
Email: [Edward.M.McDonald@usdoj.gov](mailto:Edward.M.McDonald@usdoj.gov)  
Email: [USTPRegion17.lv.ecf@usdoj.gov](mailto:USTPRegion17.lv.ecf@usdoj.gov)

**SENT VIA ECF FILING**

/s/ VANESSA ANDERSON  
An Employee of  
The Law Office of Corey B. Beck, P.C.

Exhibit "1"

1 COREY B. BECK, ESQ.  
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5 Attorney for Debtor

6 UNITED STATES BANKRUPTCY COURT

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9 RICHARD ALAN PIERCE ) Chapter 11

10  
11 Debtor. )  
12

HEARING DATE: OST PENDING  
HEARING TIME: OST PENDING

13 **DECLARATION IN SUPPORT OF MOTION FOR ORDER ENLARGING TIME**  
14 **REGARDING THE JULY 23, 2019 ORDER MOTION TO EXTEND STAY**

15 STATE OF NEVADA )  
16 ) ss:  
17 COUNTY OF CLARK )

18 RICHARD ALAN PIERCE, having been duly sworn on oath, deposes and says that:

- 19 1. I have several health conditions which have affected my ability to gather
- 20 information and meet with my attorney to complete Schedules and Statements.
- 21 2. I am currently treating for thyroid condition, diabetes, as well as regulating
- 22 amount of iron in my blood.
- 23 3. I have desire to prosecute this Chapter 11 case.
- 24 4. I will complete Schedules and Statements if I am allowed more time.

25 Further Affiant saith naught

26   
27 RICHARD ALAN PIERCE  
28

Exhibit "2"

1 COREY B. BECK, ESQ.  
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5 Attorney for Debtor

6 UNITED STATES BANKRUPTCY COURT

7 DISTRICT OF NEVADA

8 In Re:

BK-S-19-14144-BTB  
Chapter 11

9 RICHARD ALAN PIERCE

10  
11 Debtor.

HEARING DATE: OST PENDING  
HEARING TIME: OST PENDING

12  
13 DECLARATION OF RICHARD ALAN PIERCE IN SUPPORT  
OF MOTION FOR CONTINUATION OF AUTOMATIC STAY

14 STATE OF NEVADA )  
15 ) ss:  
COUNTY OF CLARK )

16 RICHARD ALAN PIERCE, having been duly sworn on oath, deposes and says that:

- 17 1. That I filed a prior Chapter 7 Bankruptcy case on May 24, 2019, Case No. 19-  
18 51050. Case was filed in San Jose California (Northern District of California).  
19 The case was dismissed on June 19, 2019.
- 20 2. That I filed pro se to seek relief from collection action from Gambord Trust  
21 Properties.
- 22 3. That I am filing Chapter 11 to reorganize 3 investment properties, 9457 Wakashan  
23 Avenue, Las Vegas, NV 89149, 1687 Crystal Downs Way, Las Vegas, NV 89123,  
24 and 18605 Arguello Avenue, Morgan Hill, CA 95037.
- 25 4. That I reside in Nevada about 70% of the time for the past year.
- 26 5. I have properties located in Las Vegas, Nevada, as well as, 2 properties located in  
27 Morgan Hill, California.

6. At present, I net income of approximately \$25,000.00 from my plumbing company conducting business - Pierce Plumbing.
7. The monthly mortgage of all 3 properties are \$15,600.00.
8. I have sufficient income to fund and organize a Chapter 11 Plan.
9. This bankruptcy is filed in "good faith" as my intention is to reorganize three investment properties I own.

Further Affiant saith naught

  
RICHARD ALAN PIERCE